

REMARKS

Claims 1-17 remain in this case.

Applicants are filing with this amendment an Information Disclosure Statement as requested by the Examiner.

The claims have been rejected as obvious over Hardee or Schulkin or obvious over Hardee in view of one or more of Naville, Mason, de Goma and Duty. Applicants note with appreciation the indication that claims 10 and 11 were indicated allowable if placed in independent form and claim 14 was allowed. Claims 16 and 17 are original claims 10 and 11 placed in independent form, with an unnecessary limitation ("that is relatively softer than the bottom") omitted, so that claims 16 and 17 are also allowable.

Independent claim 1 has been amended to specify that the top comprises a compressible covering. Support for this can be found at page 6, lines 5-6. The art fails to disclose or suggest the claimed combination of an exercise device including a bottom, a top with a compressible covering, and a spring element between the top and bottom, whereby the distance from the top to the bottom varies with the amount of force placed on the device. There would have been no reason to modify Hardee to arrive at the presently claimed invention because Hardee has no need for a top with a compressible covering. Accordingly, claim 1 is allowable over the cited art.

Independent claim 13 has been amended to specifically claim in a method for doing a push-up. None of the prior art references comes close to disclosing or suggesting this exercising method in which the device pushes upwardly on the user's chest to reduce the force required to do the push-up. This is in contrast with conventional exercise devices, which increase the force required to do the exercise, such as illustrated in figure 8 of the Duty patent. Accordingly, claim 13 is allowable over the cited art.

The **dependent claims** are directed to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims. For example, Naville fails to disclose or suggest the use of a continuous loop spring as in **claim 2**. Support for this amendment to claim 2 will be found at page 7, lines 29-34. Further, none of the art shows the combination of **claim 8** in which the spring element comprises means for decreasing the force required to be exerted by a user during an exercise by adding a resistive force to the spring; support for the amendment to claim 8 can be found at page 8, lines 26-33. de Goma has nothing to do with

Application No.: 10/702,611

changing the force required to be exerted during an exercise. In contrast with the invention of claim 8, Duty as well as other conventional exercise devices add resistance to increase the force required to be exerted during an exercise. New **claim 15** recites that the compressible covering is contoured to fit the shape of the human chest; support for this new claim can be found at page 6, lines 6-7. The art lacks any teaching or suggestion regarding this aspect of the invention.

In light of the above remarks and the amendments to the claims, applicant submits that the application is in condition for allowance and action to that end is urged. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

Dated: 4 JAN 05



James F. Hann, Reg. No. 29,719

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, California 94019
Phone: 650-712-0340
Fax: 650-712-0263